

State Capture and Other Threats to Our Democracy

Keynote Address

The Defend Our Democracy Conference, Gordon Institute of Business Science, Illovo, 25 October 2025

By Prof Tinyiko Maluleke

In the early years of our democracy, inspired by the leadership of Nelson Mandela and the legacies of Sobukwe, Biko, and many others, which were still fresh in our minds, we often spoke of the new South Africa. However, it seems that the old South Africa has been harder to exorcise.

No sooner had Mandela formed a government than leaders like Desmond Tutu began speaking of the notion of a "gravy train." Recall Desmond Tutu's quote: "They stopped the 'gravy train' just long enough to get on it," referring to parliamentarians who had voted themselves a substantial salary increase.

Indeed, within less than five years of its tenure, the democratic government was already mired in the Arms Deal scandal, perhaps the first major corruption scandal of the democratic era, before the Guptas appeared. Thirty-one years into democracy, it is hard to believe that South Africa did not invent State Capture.

If South Africa did not invent the notion and practice of State Capture, democratic South Africa has certainly played a shameful role in perfecting and publicizing it. The concept itself traces back to a World Bank working paper from September 2000, titled "Seize the State, Seize the Day: State Capture, Corruption, and Influence in Transition," co-authored by Joel Hellman, Geraint Jones, and Daniel Kaufmann. The paper focused primarily on Eastern European countries.

Notably, the paper depicts State Capture as a function of the relationship between the state and the corporate sector or powerful oligarchs. The possibility of criminal syndicates replacing the corporate sector was seemingly not envisaged at the time. Hellman, Jones, and Kaufmann define State Capture as "shaping the formation of the basic rules of the game through illicit and non-transparent private payments to public officials."

In that paper, they assumed that corporate players are likely to be the initiators in the facilitation of relationships of administrative corruption and State Capture. It appears not to have occurred to the authors that state actors could turn to soliciting, advertising, auctioning, and selling state assets for personal gain and the benefit of their networks. Hellman et al. did not fully envision a condition of full-blown "State of Capture", as described in former Public Protector Thuli Madonsela's report No. 6, released in

October 2016, just before she left office. That report was aptly titled "State of Capture." Its subtitle is a mouthful that leaves a sour taste: "A report on an investigation into alleged improper and unethical conduct by the President and other state functionaries relating to alleged improper relationships and involvement of the Gupta family in the removal and appointment of ministers and directors of state-owned enterprises, resulting in improper and possibly corrupt awards of state contracts and benefits to the Gupta family's businesses."

The most far-reaching remedial action proposed by the Public Protector was that "the president must appoint, within 30 days, a commission of inquiry headed by a judge solely selected by the Chief Justice, who shall provide one name to the president." This led to the eventual establishment of the Zondo Commission.

The road to the establishment of the Zondo Commission was as complicated as the path to the implementation of its findings has been. But the State of Capture of which former public protector Madonsela wrote, never stopped; not before, not during and certainly not after the Zondo Commission. Which is how and why the nation is currently watching the Daily episodes of the Madlanga Commission and the Parliamentary Ad Hoc Committee, as if these were episodes from *The Days of Our Lives*, daily pouring out like sand in the hourglass.

Of all the calamities democratic South Africa has faced - including the 2007–2008 global financial crisis, the ongoing effects of climate change, the HIV/AIDS epidemic, and the 2020–2022 COVID-19 pandemic - State Capture was not only the most avoidable but it was also self-inflicted.

Unfortunately, it is not the only avoidable and self-inflicted injury democratic South Africa has brought upon itself. Consider the lives and years lost to HIV/AIDS denialism. Consider the cruel irony of a place named "Life Esidimeni," meaning "dignity," which became a hellhole where 144 South Africans died and up to 1,500 were traumatized. Remember Andries Tatane, the young teacher killed by democratic-era police for protesting the lack of water in his community? Recall Marikana, where 44 young black men were killed in less than a week, up to 17 of them dying at the hands of police while trying to hide among the rocks on a koppie in Marikana.

As of 2023, no fewer than 11 women and 3 children were killed per day in South Africa, not counting the hundreds or perhaps thousands who are victims of violence. Young Michael Komape of Limpopo would be 16 years old today, and Lumka Mkhethwa of the Eastern Cape would be 12, had they not drowned in their school pit latrines in 2014 and 2018, respectively. Just last month, six-year-old Avethandwa, a learner from Danhauser in KwaZulu-Natal, drowned in the septic tank of Umzila Primary School.

The story of young Joshlin Chantelle Smith of Diazville in Saldanha Bay reveals the utter brokenness of South African society - a brokenness that extends beyond physical

infrastructure. We seem to be becoming a society that turns on itself, devouring the most vulnerable among us: the poorest, the oldest, the youngest, and the smallest, including children. We still do not know why or how Joshlin Smith ended up where she is, or where she is not. We wonder if she will soon be forgotten.

If anyone wonders what happens when the ethics of corruption flow through the veins and arteries of state and country, or what the inestimable cost of corruption and State Capture is; they need only read Jeff Wicks' *The Shadow State – Why Babita Deokaran had to Die*. It is not an elegant book—how could it be? It is a book about how a 53-year-old dedicated public servant, Babita Deokaran, was mercilessly killed by *izinkabi* (hired hitmen) in 2016, leaving behind her only daughter, 16-year-old Thiara.

The Shadow State also tells the story of Tembisa Hospital - a hospital located at the northern entrance of the second largest township in Gauteng – Tembisa. In the book, Tembisa Hospital is described variously: as the Gauteng epicentre of "the COVID corruption frenzy," a "contract (tender) factory," a "feeding trough," and a "place to die." None of these descriptions should apply to any hospital anywhere in the world.

This is what we had become by 2021 - a mere five years after Madonsela's *State of Capture* report. This is who we have become today.

Yet, we have held free and fair elections every five years since 1994. For 30 years, South African voters elected, with a clear majority, the same political party - until May 2024, when the voters denied a majority to any single political party.

But that is not the only change. While 34% of eligible voters did not turn out in 2019, in the 2024 elections, a staggering 41% stayed away - a 31% decline from the 1999 turnout of 72% and 15 percentage points below the global average of 56% as of 2023. These numbers may mean that something more significant is happening beyond the game-changing story of a political party that has ruled for 30 years being knocked off its pedestal. I suggest that the 2024 low turnout may signal the culmination of a general disenchantment, not only with the South African electoral system but also with politics in particular.

This does not preclude the need to study and research the demographics of those who are not voting - where they live, their class, gender, and so forth. A generalized disenchantment, if such a phenomenon has indeed been unleashed, cannot be explained by demographics and economics alone.

I am particularly fascinated by voter turnout because it serves as a useful, though imperfect, proxy for gauging the activeness of the citizenry. In my view, one of the greatest threats to our democracy - if not the greatest - is an inactive citizenry, or worse, a citizenry that has given up on its own sense of agency. Citizen inactivity can manifest in many ways, including being loud and noisy without being *agentic*. The 2024 elections

provide a crucial clue to where South Africans stand at this moment, pointing to a crisis of representation and the legitimacy of those who claim to represent. Too many leaders assume they represent "our people," a phrase we hear constantly: "Our people need this," "Our people are like this or that." Don't so-called 'leaders' and elites know exactly what "our people" need and want! Some even claim to know what "our women" want and need, as if they possess them.

In a recent op-ed, my colleague Roelf Meyer and I called this tendency the "presumptuous refrain" of those who claim to know everything about "our people," so the people need not speak for themselves. This is a flawed epistemology, a faulty theory of knowledge. What does it mean to know? Is it enough to recite unemployment statistics, the National Development Plan, or the Constitution?

We may know the unemployment rate, but do we understand what the unemployed endure daily? This presumptuous sense of knowing "our people" must be abandoned. The eagerness to represent the poor and marginalized may mask a phobia of their views. The know-it-alls do not really want to listen to the poor. The claim to know is a means of preventing the poor from speaking.

The 2024 elections usher in a different and far better new dawn than the one President Ramaphosa proposed years ago. It is a changing of the guard, a possible renaissance, a turning point. But a turning point does not guarantee that we will turn. We have faced many turning points without changing course.

With regards to the National Dialogue, I appreciate concerns that a National Dialogue could be costly, not just financially but if it becomes a distraction. However, I argue it need not become a costly distraction, if South Africans reclaim their agency and their country. We have agency. We must take back not only the country from elites and those who think they own it and speak for everyone but also our dreams.

South Africans are already having a national dialogue -at dinner tables, bus stops, taxis, drinking halls, shop floors, spaza shops, classrooms, on social media and stokvels. They are talking, but often into the air, without structure. The call for a national dialogue is a call to continue, consolidate, intensify, and deepen these ongoing conversations, giving them purpose to shape our future.

In his book written twenty years after Nigerian independence - *The Trouble with Nigeria* - Chinua Achebe noted that everywhere he went -in taxis, drinking halls, and around Lagos -people began their conversations with, "the trouble with Nigeria is..." . So, he titled his book accordingly. Similarly, the trouble with South Africa is a lack of leadership or leadership that betrays the people.

In W.B. Yeats' poem titled: *He Wishes for the Cloths of Heaven*, he plots the distance between the poor and their wealthy leaders when he writes,

Had I the heavens' embroidered cloths,

I would spread the cloths under your feet.

But I, being poor, have only my dreams.

I have spread my dreams under your feet.

Tread softly because you tread on my dreams.

I am afraid we can no longer afford to politely ask our leaders to tread softly. We must ask them to step aside, to step off our dreams. Citizens must reclaim their dreams.

Why do I say an inactive citizenry is the greatest threat to our democracy? Because even those who say, "let's not dialogue, let's take action"" often exclude themselves from those who must take action. They say, "let someone else do something." This suggests we may be reaching a stage where our citizenry is becoming despondent and nihilistic. That, to me, is the greatest threat to our democracy. Only an active citizenry will future-proof our democracy and guard against future State Capture.

Thank you very much.